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MAILED
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OFFICE OF PETITIONS

In re Patent No. 6,454,730	:	Paper No. 18
Issue Date: September 24, 2002	:	
Application No. 09/285,559	:	DECISION ON PETITION
Filed: April 02, 1999	:	
Attorney Docket No. 3216/75036	:	

This is a decision on the petition under 37 CFR 1.378(c), filed November 18, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

This patent expired at midnight on September 24, 2010 for failure to pay the seven and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above in that the total amount due for a small entity is \$2880 that includes the maintenance fee amount of \$1240 and a surcharge of \$1640 for unintentional

delay. Petitioner has paid \$810. The Balance of \$2070 is now due towards the maintenance fee and surcharge.

Petitioner should note that any renewed petition must include a total payment of \$2470 to cover the \$400 petition fee for a renewed petition and the balance of \$2070 due towards the maintenance fee and surcharge, as noted above.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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 401 Dulany Street
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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Tredelle Jackson at 571-272-2783.


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